

UNITED STATES GOVERNMENT

# Memorandum

ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

*Walker  
Sandy is supposed  
to follow them  
with Eroda*

TO : RICHARD O'CONNELL, Director 302  
Enforcement Division

DATE: March 22, 1973

FROM : CASSANDRA DUNN, Regional Counsel

*815.4*

SUBJECT: Section 402 and 309, FWPCA 1972  
Civil and Criminal Penalties

Per our conversation,

I spoke with Taylor Miller, Office of General Counsel, Water Division, relative to the Hawaii problem on civil and criminal penalties legal authority.

He said Mr. Quarles had stated we would let the States slide without a minimum criminal penalty and if Hawaii did not specify a minimum but had the maximum of \$25,000 this would be acceptable.

Hawaii's proposed \$2,500 on a civil penalty will not be sufficient. Taylor said we would approve \$5,000 as very minimum; however, he recognizes it is difficult for us to say we demand \$10,000 but will accept \$5,000.

*Cassandra Dunn*  
CASSANDRA DUNN

cc: Paul DeFalco, Jr. 224  
Regional Administrator

Director, Air & Water Programs Division 524  
EPA, Region IX, San Francisco

